

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RODRICK TIMOTHY ROBINSON,
a/k/a Timothy Rodrick Robinson,

Plaintiff,

v.

CASE NO: 17-CV-12675

RAY SHOLTZ, LAURA MCCORMICK,
YOLANDA BUSH, STEVEN RIVARD,
MARK MCCULLICK, ROBERT VASHAW,
ROBERT STONE, SUSAN HAVELKA
and JOHN DOES,

Defendants.

_____/

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION**

This matter was referred to United States Magistrate Anthony P. Patti pursuant to 28 U.S.C. §636(b)(1)(B) and Local Rule 72.1. In his report filed on May 29, 2018, the magistrate judge recommended that this court grant Defendants' [Dkt #18] Motion for Partial Summary Judgment based on exhaustion and Grant Defendant Havelka's [Dkt # 22] Motion for Summary Judgment based on exhaustion. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C), thus further appeal rights are waived.¹

Having reviewed the file and the report, the court concludes that the findings and conclusions of the magistrate judge are correct and ADOPTS the same for purposes of this Order.

¹The failure to object to the magistrate judge's report releases the court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, IT IS ORDERED that, for the reasons set forth in the Magistrate Judge's "Report and Recommendation", Defendants Ray Sholtz, Yolanda Bush, Mark McCullick, Robert Vashaw, Steven Rivard, and Robert Stone's Motion for Partial Summary Judgment based on exhaustion [Dkt# 18] is **GRANTED**. Defendant Susan Havelka's Motion for Summary Judgment based on exhaustion [Dkt #22] is **GRANTED**.

IT IS FURTHER ORDERED that Defendants Mark McCullick, Robert Vashaw, Robert Stone, Susan Havelka and Steven Rivard **are DISMISSED**. The remaining claims against Defendants Ray Sholta, Yolanda Bush, Laura McCormick and the John Doe "Unit Correctional Officers" at St. Louis Correctional Facility remain.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: June 27, 2018

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, June 27, 2018, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(810) 292-6522